

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. DISPOSITION OF THE CLAIMS

Claim 10 is requested to be cancelled. Claims 1-9 are currently being amended. Claim 28 are being added. No new matter has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-9, 11-16, and 23-28 are now pending in this application. Claims 23-27 are withdrawn as non-elected. Accordingly, claims 1-9, 11-16, and 28 are under examination.

II. SUPPORT FOR AMENDMENT

Applicants have amended claim 1 to exclude two compounds disclosed in US 6,596,747 cited in the Notice of References Cited (see item B in form PTO-892) attached to the outstanding Office Action. Claim 1 as amended excludes the following two compounds 64 and 65 appearing in US 6,596,747 (see Table 4, columns 59-60):

- Compound 64: N-{2-[2-(3-Acetylamino-phenylamino)-oxazol-5-yl]-benzyl}-2-amino-N-methyl-acetamide
- Compound 65: 3-[5-(2-{[(2-Amino-acetyl)-methyl-amino]-methyl}-phenyl)-oxazol-2-ylamino]-N-methyl-benzamide

This amendment adds no new matter, because it does not create an artificial subgenus. Instead, Applicants have merely excised two species. See *In re Johnson*, 558 F.2d 1008, 1019 (C.C.P.A. 1977).

Regarding new claim 28, this claim corresponds to claim 1 with R6 and R7 separately defined. The definition of R6 remains as before. The definition of R7 differs in referring to alkyl^{1bis} instead of alkyl¹ in defining “(iii) an aryl¹ group”. The moiety alkyl^{1bis} corresponds to alkyl¹ in shortened, narrowed form, as shown below:

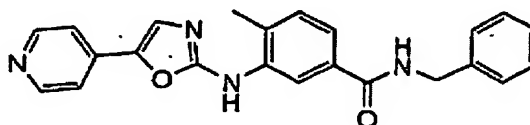
- alkyl^{1bis} group which is an alkyl group defined as a linear, branched or cycloalkyl group containing from 1 to 10 carbon atoms and optionally substituted with one heteroatom such as halogen (selected from F, Cl, Br or I), oxygen, and nitrogen;
- an alkyl¹ group defined as a **linear, branched or cycloalkyl group containing from 1 to 10 carbon atoms and optionally substituted with one or more heteroatoms such as halogen (selected from F, Cl, Br or I), oxygen, and nitrogen** (the latter optionally in the form of a pendant basic nitrogen functionality); as well as trifluoromethyl, carboxyl, cyano, nitro, formyl; as well as CO-R, COO-R, CONH-R, SO₂-R, and SO₂NH-R wherein R is a linear or branched alkyl group containing 1 to 10 carbon atoms and optionally substituted with at least one heteroatom, notably a halogen (selected from F, Cl, Br or I), oxygen, and nitrogen, the latter optionally in the form of a pendant basic nitrogen functionality; as well as a cycloalkyl or aryl or heteroaryl group optionally substituted by a pendant basic nitrogen functionality

Accordingly, Applicants believe these amendments raise no new matter issues.

III. SUPPLEMENTAL ELECTION OF SPECIES

Applicants request that the Office expand search and examination beyond the earlier elected species, based on the present newly elected species as follows.

Applicants elect compound n° 063: *N*-Benzyl-4-methyl-3-(5-pyridin-4-yl-oxazol-2-ylamino)-benzamide for further search and examination. This compound appears in the specification on page 32, last line, with the following structure appearing at the top of page 33:



Claims 1-9, 11-16, and 28 currently under examination satisfy the unity of invention standard under MPEP §803.02. The claims share a common utility, which is activity of the recited compounds as tyrosine kinase inhibitors. The claims share a substantial structural feature essential to that utility, i.e., the structure of Formula I (2-aminoaryloxazole).

Applicants thank Examiner Shameem for the helpful and courteous telephonic discussion on May 4, 2009, wherein the examiner confirmed that search and examination would be expanded upon election of another species. To the extent a statement under 37 C.F.R. § 1.133(b) is necessary, the substance of the discussion with the examiner is set forth in the preceding sentence.

CONCLUSION

Applicants believe that the present application is now in condition for further examination.

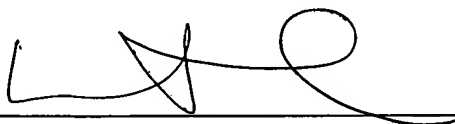
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 6-MAY-2009

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4059
Facsimile: (202) 672-5399

Rouget F. Henschel
Attorney for Applicant
Registration No. 39,221